

EXHIBIT E - PART 5

- Donald Smith -

121

1
2 identify that as the correspondence you sent to
3 the Commission in response to its preliminary
4 report on the death of Spencer Sinkov?

5 A. Yes.

6 Q. In the second to last paragraph of
7 that document you refer to a study that was
8 being currently conducted funded by the NIC?

9 A. Yes, that's the one that I was
10 discussing with you.

11 Q. The one to two day session or
12 something else?

13 A. I believe it was at least a couple
14 of days.

15 Q. But that session where you pulled
16 in community members and an expert?

17 A. Yes, that's the one.

18 Q. And that has not been completed yet
19 as of today?

20 A. No, that is -- that is going to be
21 a long-range project with some of the -- with
22 some of the issues.

23 Oh, you know, on that issue, I
24 don't believe -- I think one of the things that
25 came out of that study was the training of

- Donald Smith -

122

1
2 AmeriCor nurses. I believe that was one of Miss
3 Cox's recommendations. I believe we implemented
4 that starting in November of 2006.

5 Q. Who required the training, was it
6 the County of Putnam, AmeriCor?

7 A. No, it wasn't required. I believe
8 it was a recommendation from Miss Cox that we --
9 that we -- you know, we -- again, this is one of
10 those things where you do -- you do short range,
11 medium range and long range.

12 Again, this was -- this was not
13 certainly -- certainly Spencer's death obviously
14 provided a great deal of motivation. But I just
15 want to make it very clear, it wasn't about --
16 it wasn't about just getting a one time remedy.
17 It was about literally becoming a model of
18 excellence in suicide prevention and also mental
19 health. And quite frankly, that's what we want
20 our facility to be. That's why we have --
21 that's why we have put so much emphasis on this.

22 And if I can just say one other
23 thing without getting off track. Since that
24 time -- since that time --

25 Q. I think we're already off track.

- Donald Smith -

123

1
2 A. Since that time the Commission of
3 Correction has identified the Putnam County
4 Correctional Facility for a pilot program since
5 we have shown the interest and we got the
6 medical staff in there. Since that time we have
7 been identified for a pilot program for
8 telemedicine. And we are now being -- I briefed
9 the sheriffs in New York State yesterday on it.
10 We are now being set up with a telemedicine
11 terminal in the Putnam County Correctional
12 Facility, a telemedicine terminal in the Putnam
13 Hospital Center, a telemedicine terminal in the
14 doctor's office, a telemedicine terminal in the
15 psychiatrist's office to improve the -- both the
16 quality and the efficiency of the operation as a
17 pilot program funded by the Commission of
18 Correction to see if we can develop further this
19 model of excellence and whereby we can determine
20 the effects it would have on service to medical
21 services and psychiatric services to the inmate
22 population.

23 Q. All right, I'm going to cut you
24 off. Let's go back to what I initially asked.

25 The training that was implemented

- Donald Smith -

124

1
2 for the nursing staff, was the nursing staff
3 required to attend?

4 A. We offered the training. Miss
5 Cox -- when you say required --

6 Q. In other words, did AmeriCor or the
7 county require these nurses to attend or was it
8 optional for them?

9 A. Miss Cox recommended it, we adopted
10 it, Kevin Duffy accepted it as a good idea.
11 Again, we were part of a quality team.

12 Q. When you say we adopted it, you
13 mean the county?

14 A. Well, we -- we the county, yes. We
15 adopted it.

16 Q. And then Kevin Duffy agreed, so it
17 was offered to the staff, correct?

18 A. That is correct.

19 Q. Was the AmeriCor staff mandated to
20 attend that training, if you know?

21 A. I believe when Kevin Duffy signed
22 up for a program he determines what his staff
23 will do and won't do.

24 Q. Do you know if he required his
25 staff to attend or was it just an option?

- Donald Smith -

125

1
2 A. I can only tell you he was
3 committed to it and I believe he required them
4 to attend.

5 Q. You base your belief on his
6 commitment to the idea?

7 A. I base my belief on his commitment.

8 Q. Did anybody ever tell you,
9 including Duffy, that the nursing staff was
10 mandated to attend?

11 A. I don't recall.

12 Q. In terms of that training, you said
13 it was November of '06, right?

14 A. Right.

15 Q. Was that the first time that
16 AmeriCor nursing staff had been trained in any
17 suicide prevention subjects?

18 A. I don't know about training they
19 did internally, but I'm talking about this was
20 specific training that Miss Cox had recommended.

21 Q. It was on suicide prevention,
22 right?

23 A. Based again on the total team
24 approach of everybody, you know, having
25 ownership of what goes on in the jail.

- Donald Smith -

126

1
2 Q. Prior to May 20th, 2006 when
3 spencer died in the facility do you know if the
4 AmeriCor staff as a matter of practice made
5 recommendations on the level of supervision for
6 incoming inmates?

7 A. I believe they did based on the
8 standards from the National Commission of
9 Correctional Health Care. I believe -- and
10 really, that was our blueprint. Our blueprint
11 for the whole AmeriCor program in addition to
12 anything that the Commission of Correction
13 mandated was the National Commission of
14 Correctional Health Care, which I believe is
15 even a higher standard than the Commission of
16 Correction.

17 Q. In terms of your belief, you base
18 it on the fact that the National Commission had
19 these standards. But do you know, personally
20 have knowledge that in fact AmeriCor staff was
21 involved in making recommendations for the level
22 of supervision for an incoming inmate?

23 A. I can say this, I believe with
24 certainty that to the standard of the National
25 Commission of Correctional Health Care that we

- Donald Smith -

127

1
2 met the standard, because we were accredited by
3 the National Commission. I believe it was in --
4 I believe it was in -- sometime in 2004. I
5 could be off on the date.

6 Q. So based on that --

7 A. We received their accreditation --
8 if I can finish my answer real quick. I'll be
9 quick.

10 Q. We don't want you to talk too fast,
11 because then she can't take it down. I just
12 want you to get to the point.

13 A. Okay, I'll get to the point.

14 This is where my belief comes from,
15 because I mean I reviewed -- I reviewed those
16 standards. I reviewed those standards. As part
17 of the -- I mean this gets to the answer, it
18 really does. As part of the process I met with
19 the National Commission of Correctional Health
20 Care and then there were -- there were -- as I
21 recall, there were two or three issues. You
22 know, we did very very well on the visit and
23 then there were two or three issues we had to
24 follow up on in order to get the accreditation.
25 But we did get the accreditation. That's where

- Donald Smith -

128

1
2 my belief comes from. That's what I want to get
3 to.

4 Q. In terms of the National
5 Commission, take a look, if you would, at
6 Exhibit 30, which at the bottom of each policy
7 references the National Health Care Commission's
8 standard. Do you see that?

9 A. Yes.

10 Q. Each page has a reference to the
11 National Commission on there, right?

12 A. Yes. And this was -- again, a key
13 basis to our contract was the National
14 Commission.

15 Q. This policy manual which is dated
16 November of 2004, indicates that certain things
17 will be done by the AmeriCor nursing staff,
18 correct?

19 A. Yes.

20 Q. It's your belief that was mirrored
21 on the National Commission standards, correct?

22 A. That was the -- the whole thrust of
23 the contract was to the National Commission of
24 Health Care standards.

25 Q. Do you know if in fact AmeriCor

- Donald Smith -

129

1
2 nursing staff followed the policies that are set
3 forth in this manual specifically with regard to
4 the intake procedure?

5 A. I don't have a specific
6 recollection. All I can tell you is that we
7 were evaluated on the standards and we did get
8 accredited. And we had maybe two or three
9 areas, as I recall, that we had to do some
10 follow up on before we got our accreditation.
11 which is very common, you know, you don't get
12 100 percent. But then you specifically follow
13 up and take the action that the National
14 Commission recommends.

15 Q. But with all due respect,
16 accreditation is different than what actually
17 happens. And my question really relates to what
18 happened on a day-to-day basis in the facility?

19 A. Can I disagree with your --

20 Q. No, you can't.

21 A. See, here's the thing. The
22 National Commission when they come -- I mean,
23 this is an on-site visit. They --

24 Q. Do you know if the National
25 Commission standards require nursing staff to

- Donald Smith -

130

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

make a recommendation on level of supervision
for an incoming inmate?

A. As I sit here today, I don't
recall. But the day that I went and talked to
the National Commission I had reviewed every
standard before I went in to my meeting with
them.

Q. So if it was a standard, you
believe it was followed. But you're not sure as
you sit here now if it was in fact a standard?

A. That's correct, I believe it was
followed. As I sit here, I believe it was a
standard and I believe it was followed.

Q. But you don't have a specific
recollection?

A. I don't have a specific
recollection. I'm sorry about that.

(Recess held.)

MS. BERG: *(Handing document
to be marked.)*

*(Whereupon, Inter-Office
Memo, 12/13/06, was marked Plaintiff's
Exhibit 46 for identification.)*

Q. I have marked as Exhibit 46 a copy

- Donald Smith -

131

1
2 of a December 13th, 2006 P-1 from Perry to
3 yourself regarding an investigation into the
4 anonymous letter. And you'll see as the third
5 page the anonymous letter is attached, or at
6 least part of it?

7 A. Yes.

8 Q. Do you recall now that you have
9 seen this document having Inspector General
10 Patrick Perry conduct an investigation into that
11 anonymous letter?

12 A. I don't specifically remember the
13 day, but obviously that's my signature and --
14 that's his signature and obviously I would have
15 asked him to do it. Yes, I asked him to do a
16 lot of things.

17 Q. Take your time to look at Exhibit
18 46. Do you actually recall receiving this
19 document from him?

20 A. As I sit here, I don't remember
21 receiving it. But my belief would be I would
22 have received it. I mean, it's addressed to me,
23 I would have received it. I just don't have a
24 specific recollection. But it's very common for
25 me to ask the inspector general to look in a

- Donald Smith -

132

myriad of things. That's why we have an
inspector general.

Q. In terms of the anonymous letter,
the first paragraph refers to the captain
running around updating the log books that are
never used and coming out with new policies and
procedures. You see that?

A. Yes.

Q. Earlier when you testified you
indicated you had a recollection of the November
'06 allegations in the anonymous letter about
LeFever putting policies in after the fact,
correct?

A. Yes, I remember the letter. I
remember talking to Captain McNamara and I
remember talking to the Commission. But I just
didn't have a recollection of the conversations
with the inspector general.

Q. And the policy that we referred to
was Exhibit 18, correct?

A. Yes.

Q. Now, in Perry's memo to you there's
no indication that he did anything to
investigate that allegation, correct?

- Donald Smith -

133

1
2 A. Let me look at it again. (*Perusing*
3 *document.*) The only possible reference is --
4 possible officer misconduct is the only thing.
5 And you're right, there's no specific reference
6 to the captain.

7 Q. In terms of Perry's investigation,
8 do you recall if you told him, you know, to
9 ignore that allegation in the anonymous letter?

10 A. I don't recall.

11 Q. Do you recall if he provided you
12 anything outside of this December 13th, 2006
13 memo about the anonymous letter?

14 A. I don't have a specific memory.
15 But he meets with me every morning before staff
16 call, so he could have or he could have talked
17 to Captain McNamara. I just don't have a
18 recollection.

19 Q. In terms of the anonymous letter,
20 the second and third paragraphs, and I'll
21 summarize, deal with -- it's on the third page
22 of that exhibit.

23 A. On the anonymous letter.

24 Q. On the anonymous letter itself.
25 And you can read it fully. But in sum the

- Donald Smith -

134

1
2 allegations are that when the program officer is
3 absent, including on nights and weekends or for
4 any other reason, the North Housing Unit officer
5 is required to cover that post. Is that a fair
6 assessment?

7 A. That is true and that is still true
8 today with the staffing analysis. In other
9 words, the program officer is a five-day-a-week
10 post. It is not a seven-day-a-week post. And
11 the Commission understands that. They also
12 understand that most of the programs are on
13 Monday through Friday, but there are some
14 programs on the weekend, not many. But, you
15 know, the Commission has looked at all aspects
16 of our staffing and that is still true today,
17 will remain true with the program officer only
18 being a five-day-a-week post.

19 Q. But in terms of the North Housing
20 Unit post having to cover the program officer's
21 position in his or her absence, did the
22 Commission ever render any type of an opinion as
23 to whether that should be changed?

24 A. Not that I know of.

25 Q. In terms of the North Housing Unit

- Donald Smith -

135

1
2 officer having to cover then two posts when the
3 program officer is absent, does that remain true
4 to today?

5 A. That will not remain -- you are
6 talking about the program -- the North Housing
7 Unit officer covering the program that are in
8 those rooms right near North Housing?

9 Q. Right.

10 A. That would remain true today,
11 except Monday through Friday during the program
12 officer's tour of duty.

13 And I don't want to speak for the
14 Commission of Correction, but, you know, they
15 understand the practical side of running a jail
16 and that you staff positions for when they are
17 most needed. And they have added -- they have
18 added an additional escort officer to our
19 staffing and they have added a booking officer.
20 They have added a booking officer to the A line,
21 the overnight shift. And with that booking
22 officer and also with the housing control
23 officer being able to go down into the North
24 South housing area, except from 6 to 7:30 when,
25 you know, inmates are awakened, I think that's a

- Donald Smith -

136

1
2 very satisfactory arrangement. And --

3 Q. But has the Commission ever told
4 you that's a satisfactory arrangement, either
5 verbally or in writing?

6 A. Well, the whole staffing
7 analysis --

8 Q. With all due respect, it's a yes or
9 no question. Has the Commission ever conveyed
10 to you verbally or in writing what you just
11 described is a satisfactory resolution?

12 MR. KLEINBERG: Objection.

13 You can answer.

14 A. No, but if I --

15 Q. Thank you.

16 The second page of --

17 MR. KLEINBERG: Can you read
18 back the last question and answer, please?

19 *(The requesting testimony*
20 *was repeated.)*

21 Q. Take a look at the second page of
22 Exhibit 46, the third paragraph in the bottom.
23 "Policies and procedures regarding inmate
24 observation have been constantly reviewed and at
25 this time all are being explored for both

- Donald Smith -

137

1 content and timeliness of issue." You see that?

2 A. Yes.

3 Q. Did you ever follow up to see what
4 the results of the supposed exploration were in
5 terms of both content and timeliness of issue?

6 A. This was on December 13th, so the
7 only follow up that I can specifically remember
8 is following up with the Commission of
9 Correction to make sure that that wasn't some
10 document that was produced for them that had
11 relevance in their investigation. I wanted them
12 to be aware because they were the investigating
13 agency.

14 Q. But in terms of internally, like
15 within the facility?

16 A. As I said, you know, this whole --
17 this whole matter is still being looked at. But
18 as I sit here today, I don't -- I can't explain
19 why this document was issued, when it was
20 issued.

21 Q. Exhibit 18 for the record.

22 A. Exhibit 18.

23 Q. Do you know what policies and
24 procedures regarding inmate observation were
25

- Donald Smith -

138

1
2 constantly reviewed as referenced in Perry's
3 memo to you of December 13th?

4 A. The only thing I can -- I don't
5 know specifically.

6 Q. Did you ever ask him?

7 A. I may have at the time. But again,
8 I don't have a recollection of this document
9 even though I know it obviously came to me. But
10 I would believe -- I would believe we would be
11 talking about -- you know, as you look on this
12 document here, it says date of first issue, it
13 says 2001. I believe it's referring to this
14 document.

15 Q. Exhibit 18 again.

16 A. Exhibit 18. So from time to time
17 policies and procedures, you know, do get
18 reviewed and get updated.

19 Q. Do you know who conducted the
20 constant review that's referenced in Perry's
21 memo to you?

22 A. I don't know.

23 Q. Was it you?

24 A. No, I would believe it would be the
25 jail administrator.

- Donald Smith -

139

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q. I understand your belief. But do you know?

A. No.

Q. Take a look, if you would, at Exhibit 25, which is the contract addendum from AmeriCor. The page at the bottom that's Bates stamped 557, you see where it says receiving screening on the bottom of that?

A. I know that, but I just want to see if I can put this in perspective for myself on the timeline, because this is a...

MR. KLEINBERG: Take as much time as you need.

Q. Let me see if I can help you out.

A. I'm trying to put the document in perspective.

Q. Take a look at the third page, which is 543, and it shows that this certificate of insurance is for policy period July 1, '03 to July 1, '04. And then if you continue to the next page, it shows the same thing in terms of the policy period.

A. Okay.

Q. So this was attached to the initial

- Donald Smith -

140

contract between the county and AmeriCor. Okay?

A. Okay.

Q. And this is the way it was produced to me.

A. Okay.

Q. Do you have a recollection that Schedule A, the scope of services which starts at Page 546, was attached to the initial contract?

A. Yes, I do.

Q. So if you go then to Page 557 to 558, it's part of that scope of services.

A. 557.

Q. To 558.

A. Okay.

Q. Receiving screening, do you see that?

A. I do.

Q. Have you satisfied yourself that you're in a comfortable position to answer my questions now?

A. I think I know where we are at.

Q. Okay, good.

The receiving screening section

- Donald Smith -

141

1
2 refers to "Sheriff Smith's personnel already
3 have an excellent screening process in place at
4 the jail." You see that?

5 A. Yes.

6 Q. Do you recall if you provided
7 anything to AmeriCor with respect to that
8 screening process?

9 A. I believe -- and again I can't tell
10 you a date. I believe that, you know, once
11 you're into the RFP process and you're about to
12 finalize the contract, I believe there's an
13 on-site both in the RFP process and I believe
14 there's an on-site with the actual preparation
15 of the contracts to ensure that, you know, that
16 we know what we are providing, the service
17 provider knows what they are providing; in other
18 words, it's not just done in a vacuum.

19 Q. That's the point of my question.
20 Do you know if AmeriCor, specifically Duffy,
21 received information in terms of the policies
22 and procedures then in place, do you know?

23 A. In general terms it is my belief.

24 Q. But you don't know for sure?

25 A. You know, I don't know for sure,

- Donald Smith -

142

1
2 but it's my general belief that he would have
3 both in the process and in the contract process.

4 Q. On Page 561 it refers to a
5 detoxification. You see that?

6 A. Yes.

7 Q. That continues, you can see, onto
8 the next page.

9 A. Yes, I'm here now, I'm going to the
10 next page.

11 Q. Let me know when you are ready.

12 A. You want me to go down to 112?

13 Q. Read as much of it as you want. I
14 have a question for you about the first page,
15 but if you want to read the entire section
16 first, that's fine.

17 A. Okay. (*Perusing document.*) Okay.

18 Q. In terms of detoxification, the
19 first paragraph refers to in the second
20 sentence, "Inmates will initially be screened
21 during the receiving screening process," and
22 then it continues, "an additional valuation."
23 And then the next line, "nurses will record
24 vital signs, record any symptoms or signs of
25 dependence and as needed contact the physician

- Donald Smith -

143

1
2 for individual detoxification orders." You see
3 that?

4 A. Yes, I do.

5 Q. And in fact vital signs weren't
6 recorded as part of the screening process until
7 after Spencer's death, correct?

8 A. That is my understanding.

9 Q. Did you ever follow up with
10 AmeriCor with respect to why in their scope of
11 services contract addendum they indicated that
12 vitals would be provided but in fact they
13 weren't?

14 A. You know, when I read this I was
15 looking at the initial screening and then I was
16 looking at the physical. If I could read that
17 again.

18 MR. KLEINBERG: Read as much
19 as you need.

20 A. *(Perusing document.)* As I read
21 this, there's two specific events being talked
22 about here. The first one is the initial intake
23 screening and then the next one is about the
24 physical exam, which is the 14-day physical exam
25 which we complete, which these weren't being

- Donald Smith -

144

1
2 done before. But under AmeriCor they were being
3 done prior to the 10-day. So then it goes on to
4 say, nurses will record vital signs...as
5 needed...contact a physician for individual
6 detoxification orders. Specifically as I sit
7 here, I don't know if that refers to the initial
8 screening or the physical exam. I do know -- I
9 do know as a part of the physical exam vital
10 signs were taken, and that was part of the
11 standard. But as I said, now we do the vital
12 signs.

13 Q. You don't know if this specific
14 provision in terms of the scope of services
15 indicated to the county or to you that the
16 nurses were going to record vital signs at
17 intake, that you're unsure of?

18 A. As I sit here today, I'm unsure of
19 that.

20 Q. Take a look, if you would, at the
21 second paragraph last line, "Individuals at risk
22 for progression to more severe levels of
23 withdrawal will be under constant observation by
24 correctional officers." You see that?

25 A. Yes, I do.

- Donald Smith -

145

1
2 Q. Were there any policies and
3 procedures in place with respect to correction
4 staff, correctional officers placing individuals
5 under constant observation if they had a risk of
6 progressing to a more severe level of
7 withdrawal?

8 A. I don't know what the captain has
9 specifically in writing. But I do know that on
10 a number of occasions we have had people on
11 constant watches because of withdrawal. When
12 they were experiencing withdrawal there would be
13 coordination between the medical staff and the
14 doctor. Librium would be used and they would be
15 put under constant watch.

16 Going back to what I said earlier
17 about the team approach, it -- you know, the
18 correction officer and the shift supervisor or
19 the nursing staff, you know, if they deem that
20 an inmate is either in danger of suicide,
21 hurting themselves or have a medical condition --
22 there have been a number of medical conditions
23 where -- in other words, constant watches are
24 not just for suicide, constant watches are for
25 medical conditions as well if -- if they are

- Donald Smith -

146

1
2 deemed appropriate.

3 Q. So to summarize your answer, you're
4 not sure as you sit here today of any written
5 policy or procedure with respect to what's
6 indicated here, individuals who are at risk for
7 progressing to a more severe level of withdrawal
8 being under constant supervision?

9 MR. KLEINBERG: Objection.

10 A. Well, I know this is in writing.

11 Q. But was this provided to the
12 correction staff? Is Exhibit 25 something the
13 correction staff sees?

14 A. I'm sure the captain and the
15 lieutenant and the administrative sergeant, I
16 believe they would see it.

17 Q. I understand your belief. But do
18 you know?

19 A. I don't.

20 Q. Do you know if correction staff, a
21 correction officer, a shift supervisor, has ever
22 received a copy of Exhibit 25?

23 A. As I sit here, I don't know.

24 Q. Are you aware of any written
25 policies or procedures which say that a

- Donald Smith -

147

1
2 correction officer will constantly observe an
3 inmate who is at a risk of progressing to a more
4 serious level of withdrawal?

5 A. The monitoring of inmates is a part
6 of the training of a correction officer. It's a
7 part of the basic training.

8 Q. Do you know of any written policy
9 or procedure was my question.

10 A. I can't specifically recall one in
11 my mind as I sit here right now.

12 Q. Did you ever have any discussions
13 with Duffy about coordinating in terms of this
14 team approach a nurse and a correction officer
15 so that the nurse would advise the officer if
16 the individual was at risk for progressing to a
17 more severe level of withdrawal?

18 A. I believe we built that into the
19 initial screening process.

20 Q. I understand what you believe. But
21 did you ever have any conversations with Duffy
22 about having that communication occur between a
23 nurse to a correction officer?

24 A. I can't remember a specific date
25 with a conversation between me and Kevin, Kevin

- Donald Smith -

148

Duffy and myself.

Q. How about that subject?

MR. KLEINBERG: He's got to finish his answer.

A. Can I just say --

Q. My question is, do you recall --

MR. KLEINBERG: You asked a question. He's in the middle of the answer.

MS. BERG: No, he's not. He's not answering my question. If you want to follow up and let him talk, you can do that.

Q. Do you recall, regardless of the date, do you recall having a conversation with Kevin Duffy at any point in time about requiring nursing staff to notify a correction officer if an incoming inmate is at risk of progressing to a more severe level of withdrawal?

MR. KLEINBERG: Objection.

You can answer.

A. Not specifically on that specific point, but the cooperation and teamwork between correction staff and medical staff was a

- Donald Smith -

149

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

conversation many times at MAC meetings.

Q. Do you know if there was any cooperation here between medical staff and correction staff when it came to Spencer?

A. I don't -- I don't -- I don't know.

Q. Did you ever ask Duffy about that?

A. I've talked to Kevin on many occasions about cooperation, but I don't have a specific recollection of that.

Q. Take a look, if you would, at Exhibit 30. It's the AmeriCor policy manual from November of '04. On the page that's Bates stamped 421 to 422 is a policy called Receiving Screening. Do you see that?

A. Yes.

Q. The policy, the third paragraph, says at a minimum the receiving screening will include inquiry into, and then it lists six subjects, three on that page and three on the next.

A. Right. (*Perusing document.*) Yes.

Q. On the second page of that Page 422, number four, "Receiving screening at minimum will include inquiry into the use of

- Donald Smith -

150

1
2 alcohol and other drugs, including type of drug,
3 mode of use, amount used, frequency used, date
4 or time of last use and a history of problems
5 which may have occurred after ceasing use, e.g.
6 convulsions." You see that?

7 A. Yes.

8 Q. By reading this, do you have an
9 understanding that that's something that the
10 nursing staff is at minimum supposed to do on
11 the intake of a new inmate?

12 A. Yes.

13 Q. And that, according to this
14 reference, is part of the National Commission on
15 Health Care standard, correct?

16 A. Yes.

17 Q. In Spencer's case, do you know if
18 anybody asked him anything about his use of
19 heroin, including the type -- I'm sorry, the
20 mode of use, the amount of use, the frequency of
21 use, the date or time of last use or any history
22 of problems when ceasing use?

23 A. I don't have a memory of what was
24 on the forms when he was screened, so I don't
25 have a knowledge of what was asked.